



REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT
7:00 P.M. WHITE BEAR CITY HALL
MINUTES of June 19, 2007

APPROVAL DATE: 7/17/07

1. CALL TO ORDER The June meeting of the White Bear Lake Conservation District was convened by Chair Gary Cox at 7:15pm.

2. ROLL CALL Present were: Chair Gary Cox, Vice Chair Luke Michaud, Secretary/Treasurer Diane Longville, Directors Greg Donovan, George St. Germain, Mike Parenteau, John Steinworth, Tom Alvarez Thomas Hoffman, & Scott St. Martin. A quorum was present. Recording secretary was Julie Yoho.

3. AGENDA

Move LUC items first, above new business. Add item 6c “fireworks fund donation”. Add item 8b7 “Krizak complaint to district”.

MOTION # 1(Michaud/Hoffman) Move to approve agenda as amended. All aye, PASSED.

4. APPROVAL OF MINUTES

MOTION #2 (Michaud/Hoffman) Move to approve minutes of May 15, 2007. All aye, PASSED.

5. PUBLIC COMMENT TIME

none

8b. Lake Utilization Committee (moved)

8b1. WBL fireworks committee application.

MOTION #3 (Michaud/St. Germain) Move to approve permit for WBL 4th of July fireworks. All Aye, PASSED.

Contact water patrol and ask them to station patrol boats at peninsula and end of island with lights flashing afterwards.

8b2. Vacation Sports triathlon permit application

In the past the sheriff had concern there were not enough rescue boats. Now there will be 3 at event.

MOTION #4 (Michaud/Donovan) Move to approve Vacation Sports triathlon permit.

Discussion

Cox – water & land activities involved. Have they gotten permits from city? Last triathlon was missing city permits and had not notified local police or public works.

Motion Amendment (Michaud/Donovan) Permit is contingent on Vacation Sports receiving approval from local governments for event.

All Aye, PASSED with amendment

8b3. Lake Utilization Committee received an update from Docks of White Bear on some of their future plan ideas. No action tonight

8b4. White Bear Yacht Club revised application. Change in type of boat and configuration. Addition of 2 sailboats. No increase in motor boats.

MOTION #5 (Michaud/St. Germain) Move to approve revised permit for WBYC.

Discussion

Any talk of buoys? No

All aye, PASSED.

8b5. Birch Beach dock dispute

Land dispute over property owned by City of Birchwood. Resident placed a dock & boat on disputed property. Birch Beach 2007 dock permit is now non-compliant as there are 2 docks at the site. The permit application for Birch Beach Dock Assoc. states 125 feet of lakeshore, one dock, 10 boats. This was approved. Currently 2 docks, 11 boats. LUC recommends sending letter to City of Birchwood, being the site owner, requiring they come into compliance.

MOTION #6 (Michaud/St. Germain) Move to send letter to City of Birchwood requiring them to bring site into compliance with the permit which was issued for 2007.

Discussion:

Cox – basically we're asking property owner to come into compliance

Open for public comment

Nancy Mueller, Birchwood City Council

Tried to have dock removed last week at meeting, motion was not seconded. Council is concerned over land ownership issue. They would need permit from city for dock being next to public property. City anticipates legal issue.

Dick Galena, Birchwood resident

Concerned over private dock installation on public park land.

City is owner of the parcel, and it has been park for 87 yrs. No one else has claimed ownership until now.

WBLCDC ordinances state no dock can be installed on public land or without consent of site owner. City has no consented to dock being there. Right of way is being claimed over the land. Grants passage only, no dock right.

Area is unsafe with extra dock. Swimming area only. Agrees with LUC order

Mr. Mrs. Nelson, own dock in question

Lawyer will speak on his behalf

Resident, 240 wildwood Ave

in her property abstract it states easement is for "purposes of boating and bathing".

Gene Kodadek, Wildwood Ave

Extenuating circumstances here, 10 days will not be sufficient to comply with order. Is original permit valid due to ownership question? This may be 2 pieces of land.

Cox – if we fail to act in timely manner, we effectively haven't acted for entire summer. Legal matters drag on. We open up to chaos if we don't act.

Bob Nicholson, Birchwood

Responsibility is to enforce rules fairly and evenly. Endorses LUC suggestions based on current laws and guidelines.

Jim Simning

Deeded right of way has been on property for 100 yrs. According to WBLCDC brochure if less than 5 boats no license is required, or if more than 1 dock. City was notified and never said no or gave him any advice even though he asked. City council tabled the matter. Order to city is misdirected. Land in dispute is runoff area.

Don Hankins

Supports LUC order until proven otherwise

Will Powers 176 wildwood Ave

Board has obligation to follow existing regulations while issue is settled within city.

Michaud – to be clear, the order under discussion is to require compliance of 1 dock, no more than 10 boats at the site.

Kantrud – hope the audience made same presentation to city council. City has options available to deal with land issues.

Gene Ruley (spelling?)

Agrees that 10 day time frame is too short. Feels order is ok, but time is too short for right thing to happen.

Public discussion closed

Board discussion

Alvarez – what does Alan advise?

Kantrud - would advise complying with permit issued. Do not treat lake holders differently in regards to timeframe. Everyone involved will know tonight, close to 2 weeks functionally by the time letter is mailed. Puts it back on landowner to deal with however they see fit.

MOTION #6 Vote

9 aye, 1 abstain (Donovan), PASSED (order will be issued)

8b6. Dellwood St Dock Assoc.

Requesting 20 additional feet to reach deeper water. Dock would be 164 feet long. LUC recommends allow extension as memo in file, not an amendment to existing permit. Memo would grant extension for only 2007 season.

MOTION #7 (Michaud/St. Germain) Move to grant Dellwood St. Dock Association 20 foot dock extension for 2007 season.

Discussion

Longville – why?

Michaud – depth at end of dock is 39 inches. Permit is for 12 boats. Other neighbors have right to extend as well. Memo will clarify that it is for this season only. Neighbors feel there are too many boats at dock, not consistent with area.

Steinworth – concern about insufficient public notice time.

Michaud – we did get responses from immediate neighbors. Standard policy is to mail out information

Public discussion

Don Madore, 413 Lake Ave

Did not get notified, knows there are land issues here as well. Dellwood dock has increased from 80 to 144 feet. Low water in past created extension that never went

back down to size. There is no reason to extend any longer, it is already biggest in area.

Jim Greeley, 407 Lake Ave

Notified today this a.m. on the issue. Other neighbors not able to be here due to short notice. City owns land (Birchwood). City should be notified on change as well. More docks here per foot of frontage than any other site on lake. Too big already.

Last time there was low water the extension never went away and dock stayed too long. Issue is they cant get all 12 boats in water this year.

With 12 boats & 8 canopies at this site on 50 feet of frontage, dock violates City of Birchwood regulations which state. "consistent in length with those in vicinity". This is too long.

Michaud - Who did application come from ?

Yoho - President of dock assoc.

Michaud – Withdrawing motion#7 because request did not come from City of Birchwood.

St. Germain - Second withdrawn. MOTION #7 Withdrawn.

Michaud – We need to be consistent with the other dock at Birch Beach. Site owner needs to make request.

Jim Berg, President of Dellwood St. Dock Assoc.

Permit was granted for site to be used. Location in cove requires longer dock.

Timeliness is important, boats are stuck on lifts. Only 4 are able to use dock, others are stranded. Would like to be able to use lake. Short notice was due to them waiting for rain and hoping they wouldn't need extension request.

Mike Scanlan, Birch Beach Dock Assoc. president

Dellwood Dock Assoc. is great group. Great suffering when they can't use boats.

Is city of Birchwood the only one who can address board?

Why not 20 feet for 1 yr? World is changing and so have boats.

Dick Galena

Birchwood ordinances regulate dock associations and state. "City will send notices to residents if changes are planned for dock or its use" site owner oks / notifies first.

Gerge ?, member Dellwood St. Dock Assoc.

Boat can't get on lift. Too hard to launch at Ramsey co beach. Can't use new boat. Please grant extension.

Jim Simning

He's been at dock since 1986. In '89 short term extension was granted that lasted for 2 years. 144 feet has always been length. He is only one who can get on/off lift, he's at 7 spot out. Less boats on dock because they cant get on. Timing is factor.

Close comment time
Board discussion

Parenteau – Please read WBLCD Ord. 5 in unbiased manner. See what site owner has to do. City is site owner. City is not doing job of applying for extension, enforcing. They have to do their job as site owner.

8b7. Krizak complaint, 409 Lake Ave. neighbor east of Dellwood dock.
Easement at issue. Mr. Lutz has placed boat on property, without permission

MOTION #8 (Michaud/St. Germain) Move to send Order to Mr. Lutz ordering boat to be removed within 5 days. All Aye, Passed.

6. NEW BUSINESS

6a. 2008 budget approval

MOTION # 9 (Longville/Hoffman) Move to approve 2008 WBLCD budget.

Discussion

Michaud – Specifics have not been determined by LUC for fee increases, etc.

Public hearings may be required for user fee increases.

Cox – further action will be required to raise revenue.

Hoffman – storage fees for docks in winter

MOTION Vote

All aye, passed.

6b. shallow water buoys

3 have been ordered, shipping is expensive. We previously approved to spend up to \$1000 but will need more.

MOTION #10 (Michaud/ Parenteau) Move to approve spending an additional \$400 to purchase buoys for placement in shallow areas. From account 6030. Exact locations to be determined. All aye, PASSED.

6c. WBL Fireworks fund donation

The past couple years we've donated \$500 to fireworks fund.

MOTION #11 (Hoffman/Alvarez) Move to donate \$500 from LEC 6050 account for the WBL Fireworks fund.

Discussion

Michaud – do we get any recognition?

Hoffman – we are listed as agency sponsor on letter that goes out.

Steinworth – continues to have problems with making this donation. Where in our legislation does it say we promote fireworks?

Hoffman – feels it promotes awareness of WBLCD

Steinworth – our donation aids in their solicitation of more funds from others.

They use us. Lot of money when we are struggling with the budget.

Donovan – not against fireworks, just concerned about amount. Why not \$250?

Alvarez – not just fireworks, its community.

Steinworth – agree on community, but doesn't feel we should be used in solicitation.

Motion vote – 7 aye, 2 no (Donovan, Steinworth), 1 abstain (St. Germain)

7. UNFINISHED BUSINESS

none

8. REPORTS/ACTION ITEMS

8a. Lake Quality Committee

8a1. Lake level was 922.69 on May 15, 2007. Today 922.46 on June 19, 2007. 923.42 is average

Hoffman will work to get this info on website

8b. Lake Utilization Committee

see above

8c. Lake Education Committee report

8c1. Boat cruise/tour is tomorrow, Wed from 4 – 6.

8d. Treasurers report

MOTION # 12 (Longville/Parenteau) Move to approve June Treasurers report and pay checks 3757 – 3764. All aye, PASSED

8e. Board Counsel report

There has been one BWI case we'll likely see more on. No challenges to any citations yet.

8f. Administrative staff report

none

9. CONSENT AGENDA

MOTION # 13 (Michaud/Alvarez) Move to approve consent agenda. All aye, PASSED

10. ANNOUNCEMENTS

Parenteau – Water Patrol has been spending extra personal time on lake after work shift because he enjoys it so much.

Questions from audience

Jim Berg

Would like to know the correct process for Dellwood dock Assoc. to go forward with a request for extension.

Michaud – withdrawal was based on site owner not making request, so City of Birchwood must make request.

Cox – have to follow procedures to stay in compliance. We knew lake levels were going to be low since early this year, so why we didn't see request sooner? Adequate notice is needed.

Berg – can we move dock to waterline?

St. Germain – usually season start of water line is where stake is driven and where the dock stays

Cox – controversial site. Stake is driven at start of year due to this. Come back for approval.

11. ADJOURNMENT

MOTION # 14 (Michaud/St Germain) Move to adjourn. All Aye, PASSED.

9:20 meeting adjourned.

ATTEST:

Administrative Secretary

Date

APPROVED:

Board Chairperson

Date